

### Remarks

The applicant respectfully requests reconsideration of this application in view of the forgoing amendment and the following remarks.

The applicant's attorney hereby thanks Examiner Lorengo for the personal interview conducted between Examiner Lorengo and the applicant's attorney William Collard on Tuesday February 15, 2005.

The substance of the interview was recorded in the Examiner's interview summary on the date of the interview with the subject of that interview summary being incorporated herein and discussed below.

Essentially William Collard and Examiner Lorengo discussed the rejection of claims 62, and 70-74 under 35 U.S.C. 103(a) in view of U.S. Patent No. 5,893,964 to *Claveau* (hereinafter '964) and U.S. Patent No. 5,308,426 to *Claveau* (hereinafter '426).

In the Examiner's rejection, the Examiner stated that it would be obvious to combine both references to reject independent claims 62, 70, 73, and 74.

In the interview, in response to the rejection regarding both of these patents, it was submitted that the '964 patent presented an apparatus and process involving a two layer system including an inner sheet of an inker 3, 3' made from an elastic material such as fabric, knitted fabric or a thin sheet of non-woven material (see column 3, lines 1-5) and an outer separate sheet of a membrane 8a, 8b (see FIG. 12) which is used to press the inker onto an artefact during a vacuum step.

It was also respectfully submitted that The '426 reference disclosed a two layer system including an inner inker layer and an outer envelope layer. This patent discloses an inner inker layer that consists of "a material which is sufficiently extensible air-permeable to be able to conform to the shape of the object to be decorated..." as disclosed in column 1 lines 41-42 and then in an additional step, the extensible material is applied without folds or creases on the object when the sublimating machine as described in the Applicants previous application serial no. 07/674,452 is placed in a vacuum. (See column 2, lines 19-22 and column 1 lines 11 and 12.

It was respectfully submitted that because the inner inker layer was air permeable, and because the process involved a vacuum to apply pressure on the inner inker, an additional layer

is required. In addition, this process referenced the '452 application wherein the machine of the '452 application, discloses using a two layer system comprising an inner inker or sheet and an outer air tight membrane which is used to apply pressure to this inner inker or sheet. This two layer system was shown in FIGS. 2-4 of the '452 application, and the process for using this system is discussed in that specification on page 5, lines 1-19.

To overcome this rejection claims 62, and 70 have been amended. The preamble of claim 62 has been amended to state "consisting essentially of". In addition, claims 62 and 70 have been amended to state that there is a single layer envelope in the form of a transfer support. The Examiner had indicated that these proposed changes appeared to differentiate the invention over the references. The Examiner indicated that a further search and consideration of the art of record would be required. Therefore, this amendment is being submitted with a Request for Continued Examination (enclosed).

In the November 19, 2004 office action, the Examiner has rejected claims 71 and 72 under 35 U.S.C. first and second paragraph. Claim 71 has been amended to remove the term "substantially" overcome this rejection.

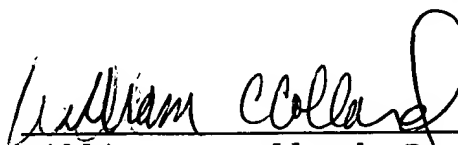
The Examiner has rejected claims 62, 63, 64, 70, 73 and 74 under 35 U.S.C. 103 as being anticipated by U.S. Patent No. 5,893,964 to Claveau in view of U.S. Patent No. 5,308,426 to Claveau.

Claims 73 and 74 have been canceled without prejudice. Claims 62-72 remain in the application with claims 62, 70, and 71 being amended. For the reasons stated above relating to the issues discussed in the interview, it is respectfully submitted that the remaining claims 62-72 are patentable over the above cited references taken either singly or in combination.

Therefore, early allowance of the remaining claims is respectfully requested.

Respectfully submitted,  
Italo GOFFI ET AL -1 (CPA)

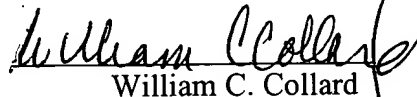
COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

  
\_\_\_\_\_  
William C. Collard, Reg.No. 38,411  
Attorney for Applicant

Enclosure: RCE, IDS w/ PTO form 1449 and two references.

**Express Mail No. EV 621 913 411 US**  
**Mail Date: February 22, 2005**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to the MAIL STOP: PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
William C. Collard

R:\Patents\G\GOFFI ET AL-1\Goffi et al.-1 (cpa)\amendment with express mail.wpd